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Remarks

The present response is to the Office Action mailed in the above-referenced case on September 11, 2007. Claims 1-39 are standing for examination. In the action the examiner objects to the language of the claims for "communiqué", and rejects claims 1-39 under 35 U.S.C. 102(b) over Cain et al., US 6901594, hereinafter Cain.

In the matter of the objection, the applicants have changed the objected-to language by amendment. Further, the applicants have cancelled claims 1-39 and have entered new claims 40-67, of which claims 40 and 54 are independent claims.

New claim 40 now recites:

40. (New) A communication management system, comprising:
a computer appliance;
software stored on and executable from a data repository accessible by the computer appliance, the software providing:
one or more activity-specific zones;
a user identity associated with each of the zones; and
a set of contact identities associated with each of the zones;
wherein policy determined in part by associated user and contact identities is enforced in managing communication from and to each zone.

Part of the reason for cancelling claim 1 and entering new claim 40 in its stead is the nature of claim 40, claiming "A software application", which, although the examiner did not reject claim 40 under 35 U.S.C. § 101 as non-statutory, the examiner likely will do so at some point in the prosecution, considering the emphasis being placed on 35 U.S.C. § 101 by the Office. Claim 40 recites software stored on and executing from a memory of a computer appliance, and the nature of functions made possible by the software – clearly patentable subject matter under 35 U.S.C. § 101.

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The examiners specific rejection of claim 1, now claim 40, is reproduced below identified as such, with the applicants' response and the reference teaching relied upon by the examiner inserted and identified as such at appropriate points:

Examiner:

"Regarding claim 1, Cain discloses a software application for managing routing of communiques across one or more communication channels supported by a datapacket-network (see col. 4, lines 40-47; routing application program)"

Cain col. 4, lines 40-47:

"Accordingly, a single routing application program (i.e. a set of application programs specifying a protocol, and supporting and managing a router utilizing the specific routing protocol0, may be loaded into any such vendor's routing platform without the need for it to be specifically configured to the underlying routing platform. To that end, as suggested above, the routing software generates command and data messages that are forwarded to the router API."

Applicant:

The relied-upon teaching from col. 4 clearly was meant to equate to applicants' preamble of claim 1: "A software application for managing routing of communiques...". The applicant, after seeing the one reference and its content and teaching is more fully aware that the invention in its broadest sense is not a router, but a communication management system associated with a single user, for segregating communication into specific zones and enforcing policy. The invention is not a router, per se, and the preamble has been appropriately changed to: "A communication management system...".

Examiner:

"comprising: one or more workspaces for segregating communication activity (see col. 24, lines 37-44);"

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Cain col. 24, lines 37-44:

When viewing event logs, strings are loaded if the application program 14 is present. A log-reading thread handles viewing activities while Remote Procedure Calls (RPCs) are used to communicate the viewing requests and replies. Each event is preferable displayed as a separate task that is independent of logging. The display routing takes a log event and its parameters and uses the event code to find the appropriate text format for printing."

Applicant:

The applicant's new claim for this limitation recites: "one or more activity-specific zones;". The applicant is a bit challenged to equate the relied-upon teaching from col. 24 with the original claim language, as there is no reference at all to a workspace, or to segregation of communication activity. The teaching seems to relate to finding an appropriate text format for printing. As to the new claim language, which recites "...activity specific zones...", the teaching applies does not define any zone, and certainly not by specific activity.

Examiner:

"one or more unique user identities assigned per workspace; and one or more contact identities assigned to and approved to communicate with a workspace administrator of the one or more workspaces using the assigned user identities (see col. 10, lines 22-36 uniquely identify paths);"

Cain col. 10, lines 22-36:

"Path identifiers preferably are utilized to uniquely identify paths 46 and types of paths 46. Accordingly, each application program 14 must preferably identify at least one path identifier prior to transmitting a message to an adjacent application program 14. Although many application programs 14 have only one path type, path identifiers identify different path types. For example, the path identifier can be used to differentiate multiple paths between two adjacent application programs 14. Although many application programs 14 have only one path type, path identifiers identify different path types. For

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example, the path identifier can be used to differentiate multiple paths between two adjacent application programs 14. Path identifiers 46 typically are utilized when it is requested that a path 46 be opened, and when processing a dynamic path request (discussed below). In a similar manner, channel identifiers are used to identify channel connection types. Application programs 14 can generate different channel connection types that may be identified by their channel identifiers."

Applicant:

The specific language for this particular limitation now reads:
"a user identity associated with each of the zones; and
a set of contact identities associated with each of the zones;"

The limitation at this point in the claim clearly associates identities of persons with a workspace. That is, a user's identity and a set of contact identities. There is one user who may have approved contacts in this zone of several, or even a large number of persons, identified each by a unique identifier.

The reference teaches paths between instances of software in a router, and the paths may be identified (path 1, path 2, etc.). The applicants urge that there is no zone, and there are no persons associated with zones in the reference teaching, so the reference does not apply.

Examiner:

"characterized in that the application enforces a policy implicitly defined by the existing architecture of the workspaces and associated user and contact identities (see col. 12, lines 6-13)."

Cain col. 12, lines 6-13:

"In addition the application program 14 must provide a list of events and corresponding event handling information expected over the given path 46, a context that identifies an environment (e.g. a pointer to an environment, and index to an array, or any

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other association that permits efficient access), and options that provide different methods for opening the path 46 and defining characteristics of the path 46.

Applicant:

The preset wherein clause recites: "wherein policy determined in part by associated user and contact identities is enforced in managing communication from and to each zone." The applicant urges that the claim recites a system for managing communication where policy is enforced before routing ever occurs, and the examiner's reference to, and emphasis on paths does not apply. For example, in an interest zone for basketball a user may have five approved contacts. The user may inadvertently author a communication to three persons, two of which are approved contacts and one of whom is not. Policy would be enforced to either: alert the user that one of the proposed recipients is not an approved contact for this particular zone; or (perhaps) send the communication to the two who are approved, but not the one who is not; in the event the change enforced by policy may be logged for later reference.

The teaching of the reference does not apply.

In general the reference Cain teaches protocols for communication between software application executing all on a single server; a router in this instance; and is too far from the actually claimed subject matter to ever closely apply.

Claim 40 is clearly patentable over the reference Cain, and claims 41-53 are patentable at least as depended from a patentable claim.

Claim 54 is a method claim drafted closely to the limitations of system claim 40, and is patentable over the reference Cain by the same facts and reasons applied above on behalf of claim 40. Claims 55-67 are therefore patentable at least as depended from a patentable claim.

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Summary

As all of the claims as amended have been shown to be patentable over the art cited and applied, the applicant respectfully requests reconsideration, and that the case be allowed and passed quickly to issue.

If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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